

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

WILLIAM SADLEIR,

Defendant.

**20 Cr. 320 (PAE)**

**GOVERNMENT’S PROPOSED EXAMINATION OF PROSPECTIVE JURORS**

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York  
One St. Andrew’s Plaza  
New York, New York 10007

Jared Lenow  
Elizabeth Hanft  
Assistant United States Attorneys  
- Of Counsel -

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**THE GOVERNMENT’S PROPOSED  
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The Government respectfully requests the Court to include the following questions in its examination of prospective jurors pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure.

The Court is requested to pursue more detailed questioning at the sidebar or in the robing room if a particular juror’s answer reveals that further inquiry is appropriate and, in such an instance, to conclude with an inquiry as to whether the particular fact or circumstance would influence the juror in favor of or against either the Government or the defendant, or otherwise affect the juror’s ability to serve as a fair and impartial juror in this case.

**INTRODUCTION**

This is a criminal case. The defendant, William Sadleir, has been charged with the commission of federal crimes in an Indictment filed by a Grand Jury sitting in this District.

The Indictment is not evidence itself. It simply contains the charges that the Government is required to prove to the satisfaction of the trial jury beyond a reasonable doubt. Mr. Sadleir has pled not guilty to those charges and he is presumed to be innocent. That presumption of innocence remains with him now, and throughout the trial. The presumption of innocence is removed only if, at the conclusion of the case, after you have heard all the evidence

and arguments and my instructions on the law, you decide the Government has proven the defendant's guilt beyond a reasonable doubt.

The Indictment contains three counts or "charges." Those of you selected to sit on this jury will receive a detailed explanation of the charges at the conclusion of the case, but I would like to give you a brief summary of the charges so that we can determine whether there is anything about the charges that would make it impossible or difficult for you to sit as a fair and impartial juror.

Mr. Sadleir was the founder and chief executive officer of a movie production and distribution company called Aviron Pictures. The Indictment alleged that Sadleir participated in two separate fraudulent schemes relating to Aviron Pictures. I will call the first alleged scheme the "Advertising Scheme," and the second alleged scheme the "UCC Scheme."

With respect to the Advertising Scheme, the Indictment alleges that between 2016 and 2020 Sadleir engaged in a fraudulent scheme to misappropriate millions of dollars in investor funds from Aviron Pictures for his own personal use, including through using a "sham" or fake advertising company he created to carry out the scheme. The Advertising Scheme is covered by Count One of the Indictment, which alleges the crime of wire fraud.

With respect to the UCC Scheme, the Indictment alleges that in 2019 Sadleir engaged in a fraudulent scheme to sell Aviron Pictures assets by forging the signature of a representative of an Aviron Pictures investor. The alleged forged signature relates to something called a UCC filing, which is a legal filing relating to certain kinds of property. Count Two and Count Three of the Indictment relate to the UCC Scheme. Count Two alleges one count of wire fraud, while Count Three alleges one count of aggravated identity theft.

The alleged victim of both schemes was an investment fund administered by the financial services firm BlackRock.

Does any juror have any personal knowledge of the charges in the Indictment in this case? Has any juror read or heard anything about this case? If so, is there anything such a juror has read or heard that would cause him or her to feel that he or she cannot decide the fact issues of this case fairly and impartially?

**NATURE OF CHARGES**

1. Have any of you, or your family members or close friends, ever worked in the financial services or entertainment industries? Will that affect your ability to be fair and impartial in this case?

2. Have any of you, or your family members or close friends, ever invested in privately-held companies, or worked for a company in the business of investing in privately-held companies, such as a venture capital or private equity fund? Will that affect your ability to be fair and impartial in this case?

3. Have any of you, or your family members or close friends, lost money from investments due not to market forces or other innocuous reasons, but instead due to alleged fraud by someone entrusted with those funds? Will your past investment experience affect your ability to be fair and impartial in this case?

4. Does the fact that the charges involve the financial services and entertainment industries make it difficult for any of you to render a fair verdict?

5. Do you follow the news about the financial services or entertainment industries, or alleged misconduct by individuals in either of those industries? If so, will anything that you have read or seen affect your ability to be fair and impartial in this case?

**ABILITY TO BE FAIR AND IMPARTIAL**

6. Have any of you, or your family members or close friends, worked for or with any federal, state or local law enforcement agency, such as the Federal Bureau of Investigation, commonly referred to as the FBI, a police or sheriff's department, a district attorney's office, the United States Attorney's Office, or the U.S. Securities and Exchange Commission, commonly referred to as the SEC?

7. Have any of you, or your family members or close friends had any association—professional, business, or social, direct or indirect—with any member of the staff of the United States Attorney's Office for the Southern District of New York, the FBI, or the SEC?

8. Have any of you, or your family members or close friends, ever had any education or training, applied or worked for, or volunteered in, any area of criminal defense, such as a public defender office, a law office, or a private investigation firm? If yes, please describe the training, job and the type of office and, if other than yourself, state the person's relationship to you.

9. Have any of you, or your family members or close friends, worked as judges, law clerks, court attendants, court clerks, other types of court personnel, probation officers, or persons connected with any correctional institution, jail or penitentiary?

10. Have any of you, or your family members or close friends, been involved in, or do you expect to become involved in, any legal action or dispute with the United States or any agency, officer, or employee of the United States, including the FBI, the SEC, or the United States Attorney's Office, or have you or any family member or close friend had any financial interest in such a dispute?

11. Have you – either through any experience that you have had, or anything

that you have seen or read – developed any bias or prejudice, either for or against the FBI, the SEC, or the United States Attorney’s Office, or any other federal, state, or local law enforcement agency?

**EXPERIENCE AS A WITNESS, DEFENDANT OR CRIME VICTIM**

12. Have any of you, or any of your relatives or close friends, ever been involved in or appeared as a witness in any investigation by a federal or state grand jury, or by a Congressional or state legislative committee, licensing authority, or governmental agency?

13. Have any of you, or your family members or close friends, ever been a witness or a complainant in any federal or state prosecution?

14. Have any of you, or your family members or close friends, ever been questioned or interrogated by a member of the FBI, the SEC, or the United States Attorney’s Office, or any other law enforcement agency? *[As to any prospective juror who answers affirmatively, the Court is respectfully requested to inquire into the circumstances of each incident and that prospective juror’s reaction to how he or she was treated by the respective agency.]*

15. Have any of you, or your family members or close friends, ever been subpoenaed or, to your knowledge, been about to be subpoenaed in any criminal case?

16. Have any of you, or your family members or close friends, ever been charged with a crime? *[As to any prospective juror who answers affirmatively, the Court is respectfully requested to inquire into the circumstances of each crime.]*

17. Have any of you, or your family members or close friends, ever been the subject of any investigation or accusation by any federal or state grand jury, or by any

congressional committee? *[As to any prospective juror who answers affirmatively, the Court is respectfully requested to inquire into the circumstances of each investigation or accusation.]*

18. Have any of you, or your family members or close friends, ever been a victim of a crime? *[As to any prospective juror who answers affirmatively, the Court is respectfully requested to inquire into the circumstances of each crime.]*

19. Have any of you, or your family members or close friends, had any experience with law enforcement that you think may affect your ability to render a fair verdict? *[As to any prospective juror who answers affirmatively, the Court is respectfully requested to inquire, at the bench or in the robing room, into the circumstances of each incident and that prospective juror's reaction to how he or she was treated by the law enforcement agents.]*

#### **KNOWLEDGE OF TRIAL PARTICIPANTS**

20. The defendant in this case is William Sadleir. *[Please ask the defendant to rise.]* Do any of you know, or have you had any dealings, directly or indirectly, with the defendant, or with any relative, friend or associate of the defendant? To your knowledge, do any of your relatives, friends, associates, or employers know the defendant?

21. The defendant is represented at this trial by Matthew L. Schwartz, Esq. and John Kucera, Esq. of the law firm Boies Schiller & Flexner LLP *[Please ask defense counsel to stand]*. Do any of you know Mr. Schwartz or Mr. Kucera? Have any of you had any dealings, either directly or indirectly, with Mr. Schwartz or Mr. Kucera? To your knowledge, do any of your relatives, friends, associates, or employers know or have any dealings with Mr. Schwartz or Mr. Kucera?

22. The Government is represented here by the United States Attorney for the Southern District of New York – Damian Williams. The conduct of the trial will be in the

immediate charge of Assistant United States Attorneys Elizabeth Hanft and Jared Lenow.

Joining the Assistant United States Attorneys at counsel's table is Peter Charalambous and Isabel Wolfson, paralegals with the U.S. Attorney's Office. Do any of you know Ms. Hanft, Mr. Lenow, Mr. Charalambous, or Ms. Wolfson? Have any of you had any dealings, either directly or indirectly, with any of them? To your knowledge, do any of your relatives, friends, associates, or employers know any of them?

23. Have you read any news stories about this case? Would that affect your ability to be a fair and impartial juror in this case?

24. If you have seen, heard or read about any of the prosecutors, lawyers, law enforcement officers, or the defendant, is there anything about that would prevent you from rendering a fair and impartial verdict in this case?

25. Does any juror know or has he or she had any dealings, either directly or indirectly, with any of the following individuals or companies whose names may come up during the trial, or who may be witnesses in this case:

*[The Government will provide the Court with a list of its prospective witnesses and other names that may be mentioned during the trial. The Court also is requested to read the names of witnesses included on any lists provided by the defendant.]*

26. Certain conduct at issue in this case took place at the following locations:

*[The Government will provide the Court with a list of relevant places that may be mentioned during the trial.]*

Are any of you familiar with these specific locations? What do you know about these areas? Do you think that your familiarity with these areas will affect your ability to render a fair verdict?



**PRIOR JURY SERVICE AND LAWSUITS**

27. Have you ever been a juror in a civil or criminal case or served on a grand jury, state or federal? If yes, what type of case was it? When was it? Did you deliberate, and did the jury reach a verdict (without stating what the verdict was)?

28. Have you ever been a plaintiff in a lawsuit, meaning have you ever sued someone? Have you ever been a defendant in a lawsuit, meaning have you ever been sued? If so, what was the nature of the allegations?

**VIEWS ON WITNESSES AND EVIDENCE**

29. Law Enforcement/Regulatory Personnel: The witnesses in this case may include, among others, federal and state law enforcement officers. Do you have any strong feelings, impressions, or opinions that would prevent you from evaluating the testimony of a law enforcement officer fairly and impartially? Would you be more likely to believe or disbelieve a witness merely because he or she is a law enforcement officer?

30. Investigative Techniques: Does anyone have any expectations about the types of evidence that the Government might present in criminal trials? Would any of you be unable to follow the Court's instructions that the Government is not required to use any particular techniques when investigating and presenting evidence of a crime?

31. Searches. Some of the evidence admitted at trial may come from searches performed by law enforcement officers, including searches of email and other online accounts. You are to put aside your feelings about the propriety of these law enforcement techniques in your deliberations about the guilt or non-guilt of the defendant. You are instructed that the evidence that I will permit to be introduced in this trial was obtained properly and that no one's rights were violated by the use of these law enforcement techniques. Is there any juror who

cannot follow this instruction and who for this reason would have difficulty rendering a fair and impartial verdict?

32. Non-Prosecution Agreements and/or Immunity: You may hear testimony in this case from witnesses who were involved, directly and or indirectly, in the alleged conduct in this case, and will be testifying either under a court order preventing their testimony from being used against them in a future case, or pursuant to an agreement with the Government not to prosecute them for their conduct. At the end of the case, I will give you more detailed instructions on these matters. For now, I instruct you that the use of such a witness is perfectly legal and is often a necessary law enforcement tool. Do you have any general feeling about the Government's use of such a witness that would make it difficult for you to render a wholly fair and impartial verdict if you heard testimony from such a witness? Would you have any bias for or against the Government because of testimony obtained in this manner?

33. Persons Not On Trial: You might hear evidence in this trial of criminal activity committed by people other than the defendant. Those other individuals are not on trial here. You may not draw any inference, favorable or unfavorable, towards the Government or the trial defendant from that fact. You also may not speculate as to the reason why other persons are not on trial. Is there any juror who cannot follow this instruction or who for this reason would have difficulty rendering a fair and impartial verdict?

### **FUNCTION OF THE COURT AND JURY**

34. The function of the jury is to decide questions of fact. As a juror, you are the sole judge of the facts and nothing that the Court or the attorneys say or do may intrude in any way on your role as the exclusive fact finder. However, when it comes to the law, you are to take your instructions from the Court and you are bound by those instructions. You may not

substitute your ideas of what the law is or what you may think the law should be. Does any juror believe that he or she may have difficulty in accepting and following the instruction of the law that I will give you in this case?

35. As I said at the beginning, the defendant, Mr. Sadleir, is presumed to be innocent of all the charges, and the Government has the burden of proving him guilty beyond a reasonable doubt. The defendant has no burden whatsoever. I do not expect this to happen, but if the defendant's lawyer were to do or say nothing at all at this trial, Mr. Sadleir would still be entitled to the presumption of innocence and the Government would be still be required to prove him guilty beyond a reasonable doubt. If the Government fails to do that, even if the defense did nothing at all, you would be obligated to find him not guilty. At the conclusion of the case, your job will be to determine whether or not the Government has met its burden to prove beyond a reasonable doubt that the defendant is guilty as charged in the Indictment. Does any juror have any difficulty with those principles?

36. Under the law, the question of punishment, if any, is for the Court to decide, and thus the issue of possible punishment must not enter into your deliberations as to whether the defendant was proven guilty beyond a reasonable doubt. Will each of you accept the proposition that the question of punishment is for the Court alone to decide and that the possible punishment must not enter into your deliberations as to whether the defendant on trial here is guilty?

37. Will each of you accept the proposition of law that sympathy must not enter into the deliberations of the jurors as to whether the defendant is guilty or not guilty, and that only the evidence produced here in Court may be used by you to determine whether the defendant is guilty or not guilty of the crimes charged?

38. It is not a particularly pleasant duty to find another individual guilty of committing a crime. Is there any juror who feels that even if the evidence established the defendant's guilt beyond a reasonable doubt, he or she might not be able to render a guilty verdict for reasons unrelated to the law and the evidence?

39. Do any of you have any religious, philosophical or other beliefs which would make you unable to render a guilty verdict for reasons unrelated to the law and the evidence?

40. In these questions, I have tried to direct your attention to possible reasons why you might not be able to serve as a fair and impartial juror. Aside from the previous questions I have asked, does any juror have the slightest doubt in his or her own mind, for any reason whatsoever, about his/her ability to conscientiously, fairly, and impartially serve in this case and to render a true and just verdict without fear, favor, sympathy, or prejudice, and according to the law as it would be explained to you?

**GENERAL QUESTIONS FOR THE PANEL**

41. Does any juror have a problem with his or her hearing or vision that would prevent him or her from giving full attention to all of the evidence at this trial?

42. Is any juror taking any medication which would prevent him or her from giving full attention to all of the evidence at this trial?

43. Does any juror have any difficulty in reading or understanding English?

**INDIVIDUAL JUROR'S BACKGROUND**

44. The Government respectfully requests that the Court ask each juror to state the following information:

a. the juror's age;

- b. the juror's family status (including whether the juror has any children or grandchildren and, if so, the ages of the children);
- c. the area in which the juror resides;
- d. where the juror was born;
- e. the juror's educational background, including the highest degree obtained;
- f. whether the juror has served in the military;
- g. the juror's occupation;
- h. the name and general location of the juror's employer, and the period of employment with that employer;
- I. the same information concerning other employment within the last ten years;
- j. the same information with respect to the juror's spouse and any working children (only current employer);
- k. what newspapers and magazines the juror reads and how often;
- l. the websites that the juror reads regularly and/or posts comments or information on;
- l. what television programs the juror regularly watches; and
- m. the juror's hobbies and leisure-time activities.

**INSTRUCTIONS FOLLOWING IMPANELING JURY**

45. From this point on until you retire to deliberate on your verdict, it is your duty not to discuss this case and not to remain in the presence of other persons who may be discussing this case. This rule about not discussing the case with others includes discussions even with members of your own family and your friends.

46. If at any time during the course of this trial, any person attempts to talk to you or to communicate with you about this case, either in or out of the courthouse, you should

immediately report such an attempt to me through my deputy clerk. In this regard, let me explain to you that the attorneys and the defendant in a case are not supposed to talk to jurors, even to offer a friendly greeting. In fact, I have directed the lawyers not to do so. So if you happen to see any of them outside this courtroom they will, and should, ignore you. Please do not take offense. They will only be acting properly by doing so.

47. Just as you must not have any in-person communications about this case, you must not communicate with anyone about the case by cellphone, through email, iPhone, text messaging or Twitter, through any blog or website, through any internet chat room, or by way of any other social networking websites, including Facebook, Instagram, or LinkedIn. Similarly, you must not use these tools to post any information about the case on the internet.

48. Do not do any research or make any investigation on your own about any matters relating to this case or this type of case. This means, for example, that you must not consult reference works or dictionaries, search the internet, websites, blogs, or use any other electronic tools to obtain information about this case, this type of case, the parties in this case, or anyone else involved in this case. You must decide this case based only on the evidence

presented in the courtroom and my instructions about the law. It would be improper for you to supplement that information on your own.

Dated: New York, New York  
December 23, 2021

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: \_\_\_\_\_/s/  
Jared Lenow / Elizabeth Hanft  
Assistant United States Attorneys  
(212) 637-1068 / 2334